

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TYRELL AINSWORTH,  
Plaintiff,

v.

HUNTER,  
Defendant.

No. 2:24-cv-1347 DAD CSK P

FINDINGS AND RECOMMENDATIONS

I. Introduction

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's motion for injunctive relief filed June 26, 2024. (ECF No. 14.) For the reasons stated herein, this Court recommends that plaintiff's motion for injunctive relief be denied.

II. Legal Standard

Injunctive relief is "an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief." Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 22 (2008) (citing Mazurek v. Armstrong, 520 U.S. 968, 972 (1997) (per curiam)). "The purpose of a preliminary injunction is merely to preserve the relative positions of the parties until a trial on the merits can be held." Univ. of Tex. v. Camenisch, 451 U.S. 390, 395 (1981).

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1 “A plaintiff seeking a preliminary injunction must establish [1] that he is likely to succeed  
2 on the merits, [2] that he is likely to suffer irreparable harm in the absence of preliminary relief,  
3 [3] that the balance of equities tips in his favor, and [4] that an injunction is in the public interest.”  
4 Winter, 555 U.S. at 20. A plaintiff must “make a showing on all four prongs” of the Winter test  
5 to obtain a preliminary injunction. All. for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1135  
6 (9th Cir. 2011).

7 The injunctive relief an applicant requests must relate to the claims brought in the  
8 complaint. See Pac. Radiation Oncology, LLC v. Queen’s Med. Ctr., 810 F.3d 631, 636 (9th Cir.  
9 2015) (“When a Plaintiff seeks injunctive relief based on claims not pled in the complaint, the  
10 court does not have the authority to issue an injunction.”). Absent a nexus between the injury  
11 claimed in the motion and the underlying complaint, the court lacks the authority to grant plaintiff  
12 any relief. Id.; see also Beaton v. Miller, 2020 WL 5847014, at \*1 (E.D. Cal. Oct. 1, 2020) (the  
13 court’s jurisdiction is “limited to the parties in this action” and the pendency of an action “does  
14 not give the Court jurisdiction over prison officials in general or over the conditions of an  
15 inmate’s confinement unrelated to the claims before it.”).

16 The Prison Litigation Reform Act (“PLRA”) imposes additional requirements on prisoner  
17 litigants seeking preliminary injunctive relief against prison officials. In such cases,  
18 “[p]reliminary injunctive relief must be narrowly drawn, extend no further than necessary to  
19 correct the harm the court finds requires preliminary relief, and be the least intrusive means  
20 necessary to correct that harm.” 18 U.S.C. § 3626(a)(2); Villery v. California Dep’t of Corr.,  
21 2016 WL 70326, at \*3 (E.D. Cal. Jan. 6, 2016). As the Ninth Circuit has observed, the PLRA  
22 places significant limits upon a court’s power to grant preliminary injunctive relief to inmates,  
23 and “operates simultaneously to restrict the equity jurisdiction of federal courts and to protect the  
24 bargaining power of prison administrators—no longer may courts grant or approve relief that  
25 binds prison administrators to do more than the constitutional minimum.” Gilmore v. People of  
26 the State of California, 220 F.3d 987, 998-99 (9th Cir. 2000).

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1     III.     Background

2             This action proceeds on plaintiff's amended complaint filed on June 10, 2024. (ECF No.  
3     11.) The only named defendant is California State Prison-Sacramento ("CSP-Sac") physical  
4     therapist Hunter. (Id. at 2.) Plaintiff alleges that on July 14, 2022, defendant Hunter retaliated  
5     against plaintiff for making a comment about defendant Hunter by filing a false rules violation  
6     report against plaintiff. (Id. at 2-3.) On June 14, 2024, this Court recommended that this action  
7     be dismissed on the grounds that plaintiff failed to state a potentially colorable retaliation claim  
8     because plaintiff did not engage in protected speech. (ECF No. 12.)

9     IV.     Motion for Injunctive Relief

10            Plaintiff is now incarcerated at Kern Valley State Prison. (ECF No. 14 at 1.) In the  
11    pending motion, plaintiff alleges that the California Department of Corrections ("CDCR")  
12    continues to provoke, attack and harass plaintiff. (Id.) Plaintiff alleges that prison staff keep  
13    moving plaintiff to block plaintiff's programming. (Id.) Plaintiff alleges that upon his arrival at  
14    Kern Valley State Prison on June 18, 2024, he was put in ASU-1. (Id.) Plaintiff alleges that  
15    prison staff were aggressive and told plaintiff that he could not wear his personal shoes. (Id.)  
16    After plaintiff became agitated, Lieutenant Rodriguez told plaintiff that plaintiff was going to  
17    ASU-2. (Id.) Plaintiff alleges that suddenly his cell was "red-lined 'broken.'" (Id.) Plaintiff  
18    alleges that the Lieutenant told plaintiff, "You like to do lawsuits. I don't care. I've been to  
19    federal court." (Id.) Plaintiff alleges that an unknown correctional officer stole some of  
20    plaintiff's property. (Id.) Plaintiff alleges that he is under attack and in imminent danger. (Id.)

21            As relief, plaintiff requests that the Court order CDCR Director Macomber to instruct  
22    wardens to stop approving in-cell audio/video surveillance. (Id. at 3.) Plaintiff alleges that prison  
23    staff use in-cell audio/video surveillance to harass plaintiff. (Id.) Plaintiff also requests that the  
24    Court order prison officials to stop harassing plaintiff, and transfer plaintiff to California State  
25    Prison-Lancaster, the Richard J. Donovan Correctional Facility, or the California Health Care  
26    Facility. (Id.) Plaintiff also requests the names of the officers investigating plaintiff. (Id.)

27            Plaintiff's motion seeks injunctive relief against CDCR Director Macomber and prison  
28    officials at Kern Valley State Prison, who are not defendants in this action. The only defendant in

1 this action is defendant Hunter, a physical therapist at CSP-Sac. The Court is unable to issue an  
2 order against individuals who are not parties to a suit pending before it. See Zenith v. Radio  
3 Corp. v. Hazeltine Research, 395 U.S. 100, 112 (1969). For this reason, plaintiff's motion for  
4 injunctive relief should be denied.

5 In addition, the claims raised and relief sought in the pending motion are unrelated to the  
6 claims raised in the amended complaint against defendant Hunter. For this additional reason,  
7 plaintiff's motion for injunctive relief should be denied. See Queen's Med. Ctr., 810 F.3d at 636.

8 Accordingly, IT IS HEREBY RECOMMENDED that plaintiff's motion for injunctive  
9 relief (ECF No. 14) be denied.

10 These findings and recommendations are submitted to the United States District Judge  
11 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
12 after being served with these findings and recommendations, plaintiff may file written objections  
13 with the court and serve a copy on all parties. Such a document should be captioned  
14 "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that  
15 failure to file objections within the specified time may waive the right to appeal the District  
16 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

17  
18 Dated: July 1, 2024

19   
20 CHI SOO KIM  
21 UNITED STATES MAGISTRATE JUDGE

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